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EXAMINER

CHANKONG, DOHM

ART UNIT PAPER NUMBER

2152

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/803,256

**Applicant(s)**

MOORE ET AL.

**Examiner**

Dohm Chankong

**Art Unit**

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- 1> Applicant's remarks have been received and reviewed. Claims 21-23 have been added. Claims 1-23 are presented for examination.

#### *Response to Arguments*

- 2> Applicant's arguments in reference to the date of the proof of the conception overcomes the priority date of Treyz. Therefore, the rejections under 35 U.S.C § 102(e) and 103(a) in the previous action are withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art as seen in the forthcoming sections.

Consequently, Applicant's arguments are rendered moot in light of the new grounds of rejection.

#### *Claim Rejections - 35 USC § 102*

- 3> The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly

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from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4> Claims 1, 3, 4, 12, 14, 15, 17, 18 and 20-23 are rejected under 35 U.S.C § 102(e) as being unpatentable over Borgstahl et al, U.S Patent No. 6,487,180 ["Borgstahl"].

5> As to claim 1, Borgstahl discloses a method for providing kiosk service offerings comprising:

configuring a kiosk to provide electronic services over short-range communications links to wireless devices in a personal area network (PAN), said kiosk also configured to communicate over an existing physical communications link medium [abstract | Figure 14 | column 13 «line 62» to column 14 «line 15» | column 14 «lines 39-44»];

establishing a short-range radio communications link with a wireless device in said PAN [column 3 «lines 36-42»];

retrieving selected electronic services over said existing physical communications link medium [column 15 «lines 30-37»]; and

delivering said retrieved selected electronic services to said wireless device in said PAN over said short-range communications link [column 15 «lines 45-55»];

6> As to claim 3, Borgstahl discloses the method of claim 1, wherein said configuring step comprises:

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retrofitting an existing kiosk both with a short-range radio frequency communications system, with a host computing device for selectively retrieving electronic services over said existing physical communications link medium, and for delivering selected electronic services to said wireless devices in said PAN [column 13 «line 62» to column 14 «line 6» | column 14 «lines 16-44» | column 15 «lines 30-37»].

7> As to claim 4, Borgstahl discloses the method of claim 1, wherein said existing physical communications link medium is selected from the group consisting of a telephone network communications link and a data communications link [column 4 «lines 54-66» | column 15 «lines 30-37» where: the Internet is analogous to a data communications link].

8> As to claim 21, Borgstahl discloses the method of claim 1, wherein the kiosk functions as a wireless access point for accessing an Internet [abstract | Figure 14 | column 15 «lines 30-37»].

9> As to claim 12, Borgstahl discloses a kiosk for distributing electronic services to wireless devices in a PAN comprising:

an kiosk configured to communicate with a communications network over an existing physical communications link medium [column 15 «lines 30-37»];

a network communications client for communicating with servers in said communications network [column 15 «lines 30-37»];

a short-range radio communications system for communicating with wireless devices in the PAN [Figure 14 | column 3 «lines 40-42»];

a list of electronic services which can be distributed to wireless devices in the PAN, said electronic services in said list residing remotely in said servers in said communications network [column 11 «line 63» to column 12 «line 6» | column 15 «line 62» to column 16 «line 12»].

10> As to claim 14, Borgstahl discloses the kiosk of claim 12, wherein said kiosk is selected from the group consisting of a public telephone, a gasoline station island, an airline check-in desk, a ticketing booth, a retail check-out counter, a toll booth, and an automatic teller machine [column 5 «lines 45-49» | column 14 «lines 1-6 and 39-44»].

11> As to claim 15, as it merely is a claim to a kiosk that performs the steps of the method of claim 4, it does not teach or further define over the claimed limitations. Therefore, claim 15 is rejected for the same reason set forth in claim 4, supra.

12> As to claim 17, Borgstahl discloses the kiosk wherein said communication is an Internet [column 15 «lines 30-37»].

13> As to claim 22, as it merely is a kiosk that performs the step of the method of claim 21, it does not teach or further define over the claimed limitation. Therefore, claim 22 is rejected for the same reasons set forth in claim 21, supra.

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14> As to claim 18, Borgstahl discloses a method for delivering electronic services in a personal area network (PAN) comprising:

providing a kiosk in a publicly traversable area, said kiosk configured to deliver electronic services to wireless devices in a personal area network (PAN), said existing kiosk also configured to communicate over an existing physical communications link medium [abstract | column 14 «lines 1-6 and 39-44» | column 15 «lines 30-37» | column 15 «line 62» to column 16 «line 13»];

establishing a PAN in said publicly traversable area [column 14 «lines 1-6»];

selectably retrieving electronic services through said existing physical communications link medium into said kiosk [column 15 «lines 30-37»] and,

delivering said retrieved selected electronic services to wireless devices in said PAN over said short-range radio communications link [column 15 «lines 30-37» | column 15 «line 62» to column 16 «line 13»].

15> As to claim 20, Sutter discloses the method of claim 18, wherein said step of providing a kiosk comprises:

retrofitting an existing kiosk both with a short-range radio frequency communications system, and with a host computing device for selectively retrieving electronic services over said existing physical communications link medium, and for delivering selected electronic services to said wireless devices in said PAN [column 13 «line 62» to column 14 «line 6» | column 14 «lines 16-44» | column 15 «lines 30-37»];

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activating said retrofitted kiosk in said publicly traversable area [column 14 «lines 1-6»].

16> As to claim 23 it does not teach or further define over the claimed limitation.

Therefore, claim 23 is rejected for the same reasons set forth in claim 21, supra.

***Claim Rejections - 35 USC § 103***

17> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18> Claim 2, 13 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Borgstahl, in view of Hild et al, U.S Patent No. 6,532,368 [“Hild”].

19> As to claim 2, Borgstahl discloses the step of establishing a short-range communications link with said wireless device [see claim 1 for reasoning and motivational basis for combination], but does not specifically disclose establishing a BLUETOOTH-based communications link with said wireless device.

20> The use of BLUETOOTH technology as the basis for wireless communications is well known and expected in the art. For example, Hild discloses establishing a



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BLUETOOTH-based communications link with a wireless device because BLUETOOTH provides a standardized wireless protocol that can automatically synchronize wireless devices [column 2 «lines 12-31» | column 2 «line 57» to column 3 «line 9»]. Therefore, it would have been obvious for one of ordinary skill in the art to have reasonably inferred the use of BLUETOOTH wireless technology in Borgstahl's wireless communication system for the stated advantages.

21> As to claim 13, as it merely is a claim to a kiosk that performs the steps of the method of claim 2, it does not teach or further define over the claimed limitations. Therefore, claim 13 is rejected for the same reasons set forth in claim 2, supra.

22> As to claim 19 it does not teach or further define over the claimed limitations. Therefore, claim 19 is rejected for the same reasons set forth in claim 2, supra.

23> Claims 5-8, and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Borgstahl in view of Sutter, U.S Patent No. 6,577,720.

24> As to claim 5, Borgstahl does not explicitly disclose the method wherein said step of retrieving specified electronic services comprises retrieving electronic message from an electronic mail server communicatively linked to said kiosk over said existing physical communications link medium.

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25> Sutter discloses the method wherein said step of retrieving specified electronic services over said existing communications network comprises retrieving electronic messages from an electronic mail server communicatively linked to said kiosk over said existing physical communications link medium [column 2 «lines 54-59»]. It would have been obvious to one of ordinary skill in the art to have reasonably inferred including mail services in Borgstahl's electronic services as email is ubiquitous in the art and would increase the usefulness and functionality of Borgstahl's wireless service system.

26> As to claim 6, Borgstahl does disclose downloading from a secondary source but does not specifically disclose the method wherein said step of retrieving specified services comprises retrieving an application from an ASP.

27> Sutter discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing physical communications link medium comprises retrieving an application from an application service provider (ASP) communicatively linked to said kiosk over said existing physical communications link medium [column 2 «lines 34-56» where: Sutter's liquid audio, video messaging downloaded from a server are all analogous to an application that is retrieved from an ASP]. It would have been obvious to one of ordinary skill in the art to have reasonably inferred including application services in Borgstahl's electronic services as it would increase the usefulness and functionality of Borgstahl's wireless service system.

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28> As to claim 7, Borgstahl does not specifically disclose electronic mail.

29> Sutter discloses the method of claim 5, wherein said step of delivering said retrieved specified electronic services to said wireless device in said Pan over said short-range radio communications link comprises delivering said retrieved electronic mail to an electronic mail client in said wireless device [column 5 «lines 34-40» where: while Sutter does not explicitly disclose a mail client on the PDA, it is strongly suggested in Sutter because a mail client would be needed to read the email that is downloaded to the PDA. In addition, a mail client on a PDA is a ubiquitous program and widely expected in the art]. It would have been obvious to one of ordinary skill in the art to have reasonably inferred including mail services in Borgstahl's electronic services as email is ubiquitous in the art and would increase the usefulness and functionality of Borgstahl's wireless service system.

30> As to claim 8, Borgstahl does not specifically disclose retrieving applications.

31> Sutter discloses the method of claim 6, wherein said step of delivering said retrieved specified electronic services to said wireless device in said PAN over said short-range radio communications link comprises delivering said retrieved application for execution in said wireless device [column 2 «lines 34-56» | column 3 «lines 50-56» where: the portable audio player retrieves the liquid music for execution]. It would have been obvious to one of ordinary skill in the art to have reasonably inferred including application services in

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Borgstahl's electronic services as it would increase the usefulness and functionality of Borgstahl's wireless service system.

32> As to claim 16, Borgstahl does not specifically disclose the kiosk wherein said server is an application server.

33> Sutter discloses the kiosk of claim 12, wherein said server is an application server [Figure 1 «item 110»]. It would have been obvious to one of ordinary skill in the art to have reasonably inferred the use of an application server in Borgstahl's network as taught by Sutter. Borgstahl discloses downloading from the Internet, and servers are ubiquitously implemented throughout the network.

34> Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Borgstahl, in view of Pittarelli, U.S Patent Publication No. US 2003/0061271.

35> As to claim 9, Borgstahl does disclose delivering said specified electronic services to said wireless device in said PAN but does not disclose the additional functionality of:

determining if said specified electronic services wholly reside in said kiosk; and,

if it is determined that said specified electronic services wholly reside in said kiosk, delivering said services without retrieving said specified electronic services over said existing physical communications link medium.

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36> As is well known in the art, if data or an application is readily available in the kiosk, there would be no need for the kiosk to download said application. Pittarelli discloses this functionality:

determining if said specified electronic services wholly reside in said kiosk [Figure 7 «items 126, 130, 132, 133, 128»]; and,

if it is determined that said specified electronic services wholly reside in said kiosk, then do not retrieve said specified electronic services over said existing physical communications link medium [Figure 7 «items 126, 130, 132, 133, 128» | paragraph 0038].

It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Pittarelli's service checking system into Borgstahl for the obtained advantage of responding to user requests more quickly and efficiently without establishing unnecessary connections to the server.

37> Claims 10 and 11 are rejected under 35 U.S.C § 103(a) as being unpatentable over Borgstahl, in view of Maryka et al, U.S Patent No. 6.490.616 ["Maryka"].

38> As to claim 10, Borgstahl does disclose delivering services in said kiosk to said wireless device but does not disclose the functionality of components and specifically:

determining if components of said specified electronic services reside in said kiosk;  
and,

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delivering said components determined to reside in said kiosk to said wireless device while retrieving components not residing in said kiosk over said existing physical communications link medium.

39> Maryka discloses:

determining if components of said specified electronic services reside in said kiosk [column 1 «lines 14-19 and 53-65»]; and,

delivering said components determined to reside in said kiosk while retrieving components not residing in said kiosk over said existing physical communications link medium [column 1 «lines 53-65» | column 2 «lines 7-14 and 43-52»].

It would have been obvious to one of ordinary skill in the art to incorporate Maryka's component based downloading system into Borgstahl's information retrieval system to increase efficient use of device resources by not loading redundant components onto the device and reducing bandwidth requirements for the kiosk.

40> As to claim 11, Sutter and Borgstahl disclose delivering said retrieved specified electronic services to said wireless device in said PAN over said short-range radio communications link [see Claim 1 for motivational basis and rejection rationale] but do not disclose delivering retrieved components of said specified electronic services to said wireless device while retrieving remaining components of said specified electronic services.

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41> Maryka discloses delivering retrieved components of said specified electronic services to said wireless device while retrieving remaining components of said specified electronic services [column 1 «lines 53-65» | column 2 «lines 43-52»]. It would have been obvious to one of ordinary skill in the art to incorporate Maryka's component based downloading system into Borgstahl's information retrieval system to increase efficient use of device resources by not loading redundant components onto the device and reducing bandwidth requirements for the kiosk.

42> Claims 1, 3-8, 12, 14-18 and 20-23 are rejected under 35 U.S.C § 103(a) as being unpatentable over Sutter in view of Borgstahl.

43> As to claim 1, Sutter discloses a method for providing kiosk service offerings comprising:

configuring a kiosk to provide electronic services over communications links to wireless devices in a personal area network (PAN), said kiosk also configured to communicate over an existing physical communications link medium [abstract | column 1 «line 62» to column 2 «line 4» | column 3 «lines 1-6 and 39-42»];

retrieving selected electronic services over said existing physical communications link medium [Figure 1 «items 120, 110, 112» | column 3 «lines 1-6»] | column 4 «lines 61-66» | column 5 «lines 7-15»]; and

delivering said retrieved selected electronic services to said wireless device in said PAN over said communications link [column 3 «lines 1-6»];

Sutter does disclose wireless devices such as PDAs, portable video/audio devices and cell phones but does not specifically disclose establishing short-range radio communication links to these devices.

44> Borgstahl discloses configuring a kiosk with the ability to establish short-range radio communication links to wireless devices in a PAN [abstract | Figure 14 | column 4 «lines 1-16» | column 5 «lines 38-49» | column 14 «lines 45-61»]. It would have been obvious to one of ordinary skill in the art to configure Sutter's kiosk with added wireless functionality as taught by Borgstahl. One would have been motivated to perform such an implementation to allow freedom of movement without the hindrance of connecting wires.

45> As to claim 3, Sutter discloses the method of claim 1, wherein said configuring step comprises:

retrofitting an existing kiosk with a host computing device for selectively retrieving electronic services over said existing physical communications link medium, and for delivering selected electronic services to said wireless devices in said PAN [column 1 «line 62» to column 2 «line 25» | column 3 «lines 1-6 and 39-42»].

Sutter does not specifically disclose retrofitting a short-range radio frequency communication system to the kiosk.

46> Borgstahl does disclose configuring a kiosk with a short-range radio frequency communication system [abstract | Figure 14]. It would have been obvious to one of ordinary



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skill in the art to configure Sutter's kiosk with added wireless functionality as taught by Borgstahl. One would have been motivated to perform such an implementation to allow freedom of movement without the hindrance of connecting wires between the wireless device and the kiosk.

47> As to claim 4, Sutter discloses the method of claim 1, wherein said existing physical communications link medium is selected from the group consisting of a telephone network communications link and a data communications link [abstract | column 1 «line 62» to column 2 «line 4»].

48> As to claim 5, Sutter discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing communications network comprises retrieving electronic messages from an electronic mail server communicatively linked to said kiosk over said existing physical communications link medium [column 2 «lines 54-59»].

49> As to claim 6, Sutter discloses the method of claim 1, wherein said step of retrieving specified electronic services over said existing physical communications link medium comprises retrieving an application from an application service provider (ASP) communicatively linked to said kiosk over said existing physical communications link medium [column 2 «lines 34-56» where: Sutter's liquid audio, video messaging downloaded from a server are all analogous to an application that is retrieved from an ASP].

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50> As to claim 7, Sutter discloses the method of claim 5, wherein said step of delivering said retrieved specified electronic services to said wireless device in said Pan over said short-range radio communications link comprises delivering said retrieved electronic mail to an electronic mail client in said wireless device [column 5 «lines 34-40» where: while Sutter does not explicitly disclose a mail client on the PDA, it is strongly suggested in Sutter because a mail client would be needed to read the email that is downloaded to the PDA. In addition, a mail client on a PDA is a ubiquitous program and widely expected in the art.]

51> As to claim 8, Sutter discloses the method of claim 6, wherein said step of delivering said retrieved specified electronic services to said wireless device in said PAN over said short-range radio communications link comprises delivering said retrieved application for execution in said wireless device [column 2 «lines 34-56» | column 3 «lines 50-56» where: the portable audio player retrieves the liquid music for execution].

52> As to claim 21, Sutter discloses the method of claim 1, wherein the kiosk functions as an access point for accessing an Internet [column 1 «line 62» to column 2 «line 4»].

Sutter does not disclose a wireless access point.

53> Borgstahl discloses that a wireless access point [abstract]. It would have been obvious to one of ordinary skill in the art to configure Sutter's kiosk with added wireless functionality as taught by Borgstahl. One would have been motivated to perform such an

implementation to allow freedom of movement without the hindrance of connecting wires between the wireless device and the kiosk.

54> As to claim 12, Sutter discloses a kiosk for distributing electronic services to wireless devices in a PAN comprising:

an kiosk configured to communicate with a communications network over an existing physical communications link medium [column 1 «line 62» to column 2 «line 25»];

a network communications client for communicating with servers in said communications network [Figure 1 | column 2 «lines 5-25» | column 4 «lines 11-25»];

a list of electronic services which can be distributed to wireless devices in the PAN, said electronic services in said list residing remotely in said servers in said communications network [column 2 «lines 34-38» | column 3 «lines 1-6»].

Sutter does not specifically disclose a short-range radio communications system for communicating with wireless devices in the PAN or that the services reside locally in said kiosk.

55> Borgstahl discloses a short-range radio communications system for communicating with wireless devices in the PAN or that the services reside locally in said kiosk [column 4 «lines 1-16» | column 5 «lines 28-37»]. It would have been obvious to one of ordinary skill in the art to store services locally in the kiosk in addition to Sutter's remote retrieval to increase downloading efficiency of the applications. It also would have been obvious to one of ordinary skill in the art to configure Sutter's kiosk with added wireless functionality as

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taught by Borgstahl. One would have been motivated to perform such an implementation to allow freedom of movement without the hindrance of connecting wires between the wireless device and the kiosk.

56> As to claim 14, Sutter discloses the kiosk of claim 12, wherein said kiosk is selected from the group consisting of a public telephone, a gasoline station island, an airline check-in desk, a ticketing booth, a retail check-out counter, a toll booth, and an automatic teller machine [abstract | column 1 «lines 62-67»].

57> As to claim 15, as it merely is a claim to a kiosk that performs the steps of the method of claim 4, it does not teach or further define over the claimed limitations. Therefore, claim 15 is rejected for the same reason set forth in claim 4, supra.

58> As to claim 16, Sutter discloses the kiosk of claim 12, wherein said server is an application server [Figure 1 «item 110»].

59> As to claim 17, Sutter discloses the kiosk wherein said communication is an Internet [Figure 1 «item 120»].

60> As to claim 22, as it merely is a kiosk that performs the step of the method of claim 21, it does not teach or further define over the claimed limitation. Therefore, claim 22 is rejected for the same reasons set forth in claim 21, supra.

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61> As to claim 18, Sutter discloses a method for delivering electronic services in a personal area network (PAN) comprising:

providing a kiosk in a publicly traversable area, said kiosk configured to deliver electronic services to wireless devices in a personal area network (PAN), said existing kiosk also configured to communicate over an existing physical communications link medium [abstract | Figure 1 | column 3 «lines 21-56»];

establishing a PAN in said publicly traversable area [column 3 «lines 39-42»];

selectably retrieving electronic services through said existing physical communications link medium into said kiosk [column 2 «lines 34-38» | column 3 «lines 1-6»];  
and,

delivering said retrieved selected electronic services to wireless devices in said PAN [column 2 «lines 34-38»].

Sutter does not specifically disclose retrofitting a short-range radio frequency communication system to the kiosk.

62> Borgstahl does disclose configuring a kiosk with a short-range radio frequency communication system [abstract | Figure 14]. It would have been obvious to one of ordinary skill in the art to configure Sutter's kiosk with added wireless functionality as taught by Borgstahl. One would have been motivated to perform such an implementation to allow freedom of movement without the hindrance of connecting wires between the wireless device and the kiosk.

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63> As to claim 20, Sutter discloses the method of claim 18, wherein said step of providing a kiosk comprises:

retrofitting an existing kiosk with a host computing device for selectively retrieving electronic services over said existing physical communications link medium, and for delivering selected electronic services to said wireless devices in said PAN [column 1 «line 62» to column 2 «line 25» | column 3 «lines 1-6 and 39-42»].

activating said retrofitted kiosk in said publicly traversable area [column 4 «lines 11-25»].

Sutter does not specifically disclose retrofitting a short-range radio frequency communication system to the kiosk.

64> Borgstahl does disclose configuring a kiosk with a short-range radio frequency communication system [abstract | Figure 14]. It would have been obvious to one of ordinary skill in the art to configure Sutter's kiosk with added wireless functionality as taught by Borgstahl. One would have been motivated to perform such an implementation to allow freedom of movement without the hindrance of connecting wires between the wireless device and the kiosk.

65> As to claim 23 it does not teach or further define over the claimed limitation. Therefore, claim 23 is rejected for the same reasons set forth in claim 21, supra.

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66> Claim 2, 13 and 19 are rejected under 35 U.S.C § 103(a) as being unpatentable over Sutter and Borgstahl, in further view of Hild.

67> As to claim 2, Sutter does not disclose the step of establishing a short-range communications link with said wireless device.

68> Borgstahl discloses the step of establishing a short-range communications link with said wireless device [see claim 1 for reasoning and motivational basis for combination], but does not specifically disclose establishing a BLUETOOTH-based communications link with said wireless device.

69> The use of BLUETOOTH technology as the basis for wireless communications is well known and expected in the art. For example, Hild discloses establishing a BLUETOOTH-based communications link with a wireless device because BLUETOOTH provides a standardized wireless protocol that can automatically synchronize wireless devices [column 2 «lines 12-31» | column 2 «line 57» to column 3 «line 9»]. Therefore, it would have been obvious for one of ordinary skill in the art to have reasonably inferred the use of BLUETOOTH wireless technology in Borgstahl's wireless communication system for the stated advantages.

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70> As to claim 13, as it merely is a claim to a kiosk that performs the steps of the method of claim 2, it does not teach or further define over the claimed limitations. Therefore, claim 13 is rejected for the same reasons set forth in claim 2, supra.

71> As to claim 19 it does not teach or further define over the claimed limitations. Therefore, claim 19 is rejected for the same reasons set forth in claim 2, supra.

72> Claim 9 is rejected under 35 U.S.C § 103(a) as being unpatentable over Sutter and Borgstahl, in further view of Pittarelli, U.S Patent Publication No. US 2003/0061271.

73> As to claim 9, Sutter does disclose delivering said specified electronic services to said wireless device in said PAN but does not disclose the additional functionality of:

- determining if said specified electronic services wholly reside in said kiosk; and,
- if it is determined that said specified electronic services wholly reside in said kiosk, delivering said services without retrieving said specified electronic services over said existing physical communications link medium.

74> As is well known in the art, if data or an application is readily available in the kiosk, there would be no need for the kiosk to download said application. Pittarelli discloses this functionality:

- determining if said specified electronic services wholly reside in said kiosk [Figure 7 «items 126, 130, 132, 133, 128»]; and,



if it is determined that said specified electronic services wholly reside in said kiosk, then do not retrieve said specified electronic services over said existing physical communications link medium [Figure 7 «items 126, 130, 132, 133, 128» | paragraph 0038].

It would have been obvious to one of ordinary skill in the art to incorporate the functionality of Pittarelli's service checking system into Sutter for the obtained advantage of responding to user requests more quickly and efficiently without establishing unnecessary connections to the server.

75> Claims 10 and 11 are rejected under 35 U.S.C § 103(a) as being unpatentable over Sutter and Borgstahl, in further view of Maryka et al, U.S Patent No. 6.490.616 ["Maryka"].

76> As to claim 10, Sutter does disclose delivering services in said kiosk to said wireless device but does not disclose the functionality of components and specifically:

determining if components of said specified electronic services reside in said kiosk;  
and,

delivering said components determined to reside in said kiosk to said wireless device while retrieving components not residing in said kiosk over said existing physical communications link medium.

77> Maryka discloses:

determining if components of said specified electronic services reside in said kiosk [column 1 «lines 14-19 and 53-65»]; and,

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delivering said components determined to reside in said kiosk while retrieving components not residing in said kiosk over said existing physical communications link medium [column 1 «lines 53-65» | column 2 «lines 7-14 and 43-52»].

It would have been obvious to one of ordinary skill in the art to incorporate Maryka's component based downloading system into Sutter's application retrieval system to increase efficient use of device resources by not loading redundant components onto the device and reducing bandwidth requirements for the kiosk.

78> As to claim 11, Sutter and Borgstahl disclose delivering said retrieved specified electronic services to said wireless device in said PAN over said short-range radio communications link [see Claim 1 for motivational basis and rejection rationale] but do not disclose delivering retrieved components of said specified electronic services to said wireless device while retrieving remaining components of said specified electronic services.

79> Maryka discloses delivering retrieved components of said specified electronic services to said wireless device while retrieving remaining components of said specified electronic services [column 1 «lines 53-65» | column 2 «lines 43-52»]. It would have been obvious to one of ordinary skill in the art to incorporate Maryka's component based downloading system into Sutter's application retrieval system to increase efficient use of device resources by not loading redundant components onto the device and reducing bandwidth requirements for the kiosk.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3946. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DC



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